

JOSEPH H. HARRINGTON
United States Attorney (EDWA)
Vanessa R. Waldref
Rudy J. Verschoor
Assistant United States Attorneys
Post Office Box 1494
Spokane, WA 99210-1494
Telephone: (509) 353-2767

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

WALTER RILEY & JANE DOE
RILEY, individually and as the marital
community comprised thereof, d/b/a
RILEY'S RIVER RANCH,

Defendants.)

NO.

**UNITED STATES OF AMERICA'S
COMPLAINT FOR TRESPASS,
ENCROACHMENT, DAMAGES,
DECLARATORY AND
INJUNCTIVE RELIEF**

The United States of America, through its counsel Joseph H. Harrington, United States Attorney (EDWA), and the undersigned Assistant U.S. Attorneys, alleges, avers and claims as follows:

I. JURISDICTION AND VENUE

1. This action is brought by the United States to enjoin Defendants' unauthorized and unlawful construction of buildings and structures on federal land, placement and storage of personal property on federal land, and depositing of cattle and other animal carcasses and other debris on land owned by the United States and

1 administered by the United States Army Corps of Engineers (“USACE” or “Corps”).
2 The United States also seeks to recover damages and other relief on account of the
3 Defendants’ unauthorized, unlawful and injurious conduct.
4

5 2. This action also is brought by the United States to enjoin Defendants’
6 unauthorized and unlawful grazing, winter feedlot operation, and maintaining of
7 livestock on lands owned by the United States and administered by the Corps. The
8 United States also seeks to recover damages and other relief on account of the
9 Defendants’ unauthorized, unlawful and injurious conduct.
10
11

12 3. This Court has jurisdiction over the subject matter of this action pursuant
13 to 28 U.S.C. §§ 1331 and 1345.
14

15 4. Venue is proper in this district court because Defendants own land and
16 operate a ranching business in Whitman County, Washington, and the actions which
17 the claims arise upon occurred or are continuing to occur on real property located in
18 Whitman County, Washington, which is in the Eastern District of Washington
19 (EDWA).
20
21

22 **II. PARTIES**

23 5. The Plaintiff is the United States of America, acting through the United
24 States Department of the Army and the United States Army Corps of Engineers
25 (“USACE” or “Corps”).
26
27

28 6. Plaintiff is a sovereign and holds legal title to the public lands
encompassing segment tracts 302, 303, 304-1, 309, and 312 in sections 4, 5, 8, and 9

1 of township 13N and Range 40E, Willamette Meridian, located within the Little
2 Goose Lock and Dam Project in Central Washington state.

3 7. The Corps is charged by federal statute to manage, administer, and
4 protect the public lands encompassing the Little Goose Lock and Dam project,
5 pursuant to 16 U.S.C. § 460d.
6

7 8. The land trespassed and encroached upon is in the Central Ferry Habitat
8 Management Unit (CFHMU), which has been classified as “Wildlife Management
9 General” under the Master Plan for Little Goose Lock and Dam Project. This
10 classification is intended to support habitat requirements under the Lower Snake River
11 Compensation Plan, which was authorized by Congress pursuant to the Water
12 Resources Development Act of 1976 (Public Law 94–587).
13

14 9. Congress has set aside these lands for wildlife management, public
15 recreation and dam operations. As such, private (non-recreational) activities are
16 prohibited, unless authorized under 36 C.F.R. § 327 or other applicable federal
17 law/regulation.
18

19 10. Tract 303 was purchased by the Corps in 1965 from Lester Riley. Tract
20 302 was purchased from Harold Morgan in 1965. The Defendants Walter Riley
21 (Lester Riley’s son) and Jane Doe Riley (Walter Riley’s wife) are trespassing on 30.1
22 acres of Corps-managed lands.
23

24 11. The Defendants are Walter Riley and Jane Doe Riley d/b/a Riley’s River
25 Ranch (“Defendants”), located at 10503 SR 127 Pomeroy, WA 99347. Jane Doe
26
27
28

1 Riley is believed to be the wife of Walter Riley and a member of the marital
2 community comprised thereof.

3 **III. BACKGROUND**

4
5 12. Defendants Walter Riley and Jane Doe Riley collectively own
6 approximately 11,120 acres of land of which all but 12.5 acres are located in Garfield,
7
8 Spokane, and Whitman counties. Defendants presently have no permit or any other
9 authorization issued under the authority of the Secretary of the Army that authorizes
10 Defendants to use or occupy Corps-managed public lands.
11

12 13. From at least 2011, Defendants have persistently and continuously placed
13 and/or allowed livestock and other personal property to enter or be on the public lands
14 within tracts 302, 303, 304-1, 309, and 312 of the Little Goose Lock and Dam project,
15 within the Walla Walla District of the Corps. Defendants have deprived the United
16 States of its proprietary interest in these Corps-managed public lands, including, but
17 not limited to, the following:
18
19

20 i. On October 29, 2011, the Corps observed Defendants' ranching activity
21 and personal property, including but not necessarily limited to hay bales placed on
22 Corps-managed lands in violation of 36 C.F.R. §§ 327.14, 327.15, and 327.18.
23
24

25 ii. On April 2, 2012, the Corps observed Defendants' ranching activity and
26 personal property on the United States' property, including but not necessarily limited
27 to over a dozen head of cattle, related manure piles, farming equipment, and
28

1 Defendants' building placed on the Corps-managed lands, in violation of 36 C.F.R.
2 §§ 327.9, 327.11 , 327.14, 327.15, and 327.18.

3
4 iii. On August 21, 2012, the Corps observed Defendants' personal property,
5 not necessarily limited to hay bales, feeders, and manure piles placed on Corps-
6 managed lands, in violation of 36 C.F.R. §§ 327.9, 327.14, 327.15, and 327.18.
7

8 iv. On March 1, 2013, the Corps observed Defendants' personal property
9 associated with ranching operations, including but not necessarily limited to multiple
10 head of cattle, feeders, manure and debris piles on Corps-managed lands, in violation
11 of 36 C.F.R. §§ 327.9, 327.11, 327.14, 327.15, and 327.18.
12

13 v. On July 22, 2013, the Corps observed Defendants' personal property
14 related to ranching operations, including but not necessarily limited to feeders, manure
15 and debris piles, on Corps-managed lands in violation of 36 C.F.R. §§ 327.9, 327.14,
16 327.15, and 327.18.
17
18

19 vi. On March 21, 2014, the Corps observed personal property associated
20 with Defendants' ranching operations, including but not necessarily limited to hay
21 bales, vehicles, and equipment on Corps-managed lands in violation of 36 C.F.R. §§
22 327.2, 327.14, 327.15, and 327.18.
23
24

25 vii. On June 20, 2014, the House of Representatives Committee on
26 Appropriations issued Report 113-486, which noted that the Committee was aware of
27 issues regarding the use of Corps land by certain landowners adjacent to the Lower
28

1 Snake River Project, and directed the Corps to “maintain the status quo use of these
2 lands as long as good-faith efforts are being made to find resolution.”

3
4 viii. On November 10, 2014, the Corps observed personal property associated
5 with Defendants’ ranching operations including, but not necessarily limited to, a pile
6 of over fifty animal carcasses, vehicles, machinery, debris piles, manure piles, tires,
7
8 fencing, and metal tanks on Corps-managed lands in violation of 36 C.F.R. §§ 327.2,
9 327.9, 327.14, 327.15, and 327.18.

10
11 ix. On November 24, 2014, the Corps observed Defendants’ personal
12 property associated with ranching operations, including but not necessarily limited to
13 a pile of over fifty animal carcasses, vehicles, machinery, debris piles, manure piles,
14
15 tires, fencing, and metal tanks located on Corps-managed lands, in violation of 36
16 C.F.R. §§ 327.2, 327.9, 327.14, 327.15, and 327.18.

17
18 x. On December 16, 2014, the Corps observed personal property associated
19 with Defendant’s ranching operations, including but not necessarily limited to a pile
20 of over fifty animal carcasses, vehicles, machinery, debris piles, manure piles, tires,
21
22 fencing, and metal tanks placed upon Corps-managed lands, in violation of 36 C.F.R.
23 §§ 327.2, 327.9, 327.14, 327.15, and 327.18.

24
25 xi. On or about March 27, 2015, the Corps observed Defendants and/or
26 agents of Riley’s River Ranch spraying what appeared to be liquid manure on Corps-
27 managed lands, in violation of 36 C.F.R. §§ 327.9 and 327.14.
28

1 xii. On October 29, 2015, the Corps sent a report in response to House
2 Report 113-486 (discussed above in vii). Therein the Corps gave a status update on its
3 multiple efforts to try to amicably resolve Defendants' and other landowners'
4 trespasses and encroachments on federal lands in the USACE's Walla Walla District.
5 The report conveyed that the Corps was attempting to arrange a land exchange with
6 Defendants, but Defendants were unwilling to pay the required administrative fees,
7 and the offered land exchange was not compatible with wildlife mitigation. Further,
8 Defendant Walter Riley was not responsive to requests for additional negotiation on
9 the proposed land exchange. The Corps also reported that it did not have any further
10 authority to offer Defendant a lease because such a lease would create a deficit of
11 habitat mitigation acreage.

12 xiii. On February 24, 2016, the Corps observed personal property associated
13 with Defendants' ranching operations, including but not limited to livestock, tractor
14 tires, a wood shed, concrete pad, manure and debris piles, and an animal carcass pile
15 located on Corps-managed lands, in violation of 36 C.F.R. §§ 327.9, 327.11, 327.14,
16 327.15, 327.18, and 327.20.

17 xiv. On January 6, 2017, the Corps observed personal property associated
18 with Defendants' ranching operations, including but not necessarily limited to tractor
19 tires, a wood shed, concrete pad, manure and debris piles, and an animal carcass pile
20 owned on Corps-managed lands, in violation of 36 C.F.R. §§ 327.9, 327.14, 327.15,
21 327.18, and 327.20.

1 xv. Based on the Corps' observations on January 11, 2018, and the multiple
2 other site visits identified in this Complaint, the Corps prepared a map (dated January
3 12, 2018) documenting several, but not necessarily all of Defendants' encroachments
4 on federal land, which summary is identified in Attachment A.

6 14. In addition to violating 36 C.F.R. § 327.9, Defendants' carcass pile
7 violates RCW 16.36.113. On March 13, 2015, the Corps notified the Washington
8 State Department of Agriculture of Defendants' unlawful dumping of cow and horse
9 carcasses on Corps-managed lands. The Washington State Department of Agriculture
10 conducted an investigation and determined that not only was the carcass pile on the
11 subject land, but it was also placed too close to an environmentally sensitive body of
12 water (i.e., the Snake River).
13
14
15

16 15. On May 7, 2015, Defendants were notified by the Washington State
17 Department of Agriculture that their cow, horse, and other livestock carcass pile
18 located on Corps-managed lands was located too close to a body of water in violation
19 of WAC 16-25-025. Defendants have since covered the animal carcass pile with dirt,
20 without permission from the Corps, but the offending carcasses were not removed.
21
22

23 16. Upon information and belief, and based on Defendants' previous
24 unlawful practices, the Corps expects Defendants to continue to move their cattle and
25 other ranching business operations on and/or through the subject Corps-managed
26 lands in violation of 36 C.F.R. § 327.
27
28

1 17. Defendants have not built any property boundary barrier between their
2 private property and commercial cattle operations and the Corps-managed lands. The
3 United States has no obligation to fence against such animals pursuant to RCW
4 16.24.090. Defendants have maintained a winter feedlot on Corps-managed lands,
5 which Plaintiff contends encourages Defendants' cattle to enter the Corps-managed
6 lands.
7
8

9 18. Further, Defendants constructed a road that directly encroaches on Corps-
10 managed lands, and which also damaged the habitat and interfered with the
11 Congressionally mandated use of the federal lands for wildlife management, public
12 recreation and dam operations.
13
14

15 19. Defendants also constructed a large building, used for ranching
16 operations, on a portion of land that directly encroaches on federal lands owned by the
17 United States and managed by the Corps.
18

19 20. Defendants have not compensated the United States for their unlawful
20 and unauthorized conversion of federal lands for their own private and/or commercial
21 use.
22

23 21. Defendants have refused to move their cattle and/or personal property
24 from lands owned by the United States and managed by the Corps despite repeated
25 requests to do so by Corps authorized personnel, acting under the authority of the
26 Secretary of the Army. The Corps' requests and Defendants' refusals to comply
27 include, but are not necessarily limited to:
28

1 i. On April 4, 2012, the Corps sent a cease and desist letter to
2 Defendants demanding that Defendants remove all property and
3 terminate the unlawful use of the subject federal lands within 180 days.
4 The letter included a map showing the boundary lines. The Corps also
5 offered to have the property line flagged for Defendants.

6 ii. On October 22, 2012, after giving Defendants ample time to
7 remedy the unlawful encroachment, the Corps conducted an inspection
8 to determine if Defendants complied with the Corps' earlier cease and
9 desist letter. The Corps' inspection revealed that Defendants' unlawful
10 encroachments remained.

11 iii. On February 7, 2013, the Corps again sent a cease and desist
12 letter to Defendants, requesting that Defendants remedy the continued
13 livestock trespasses and encroachments by no later than April 30, 2013.

14 iv. In January and February of 2014, the Corps contracted to
15 perform an independent record of survey of the lands upon which
16 Defendants were actively trespassing and encroaching.

17 v. On June 4, 2014, the Corps met with Defendants regarding
18 the possibility of a land exchange, under 33 U.S.C. §558b, in a sincere
19 effort to try to resolve Defendants' unlawful encroachments and multiple
20 trespasses.

21 vi. On June 19, 2014, the Corps provided a copy of the Survey
22 to Defendants and requested that all personal property and ranching
23 operations be removed from the subject federal lands within 45 days of
24 the Corps' letter to Defendants.

25 vii. On October 1, 2014, the Corps sent Defendants a letter
26 through their attorney, explaining that Defendants could purchase or
27 lease the land that Defendants' building encroached upon, which would
28 cost \$5,600 to initiate the process, or alternatively Defendant could
pursue a land exchange, which would cost \$18,300 to initiate. The
Corps' letter included the necessary forms to start the process.

1
2 viii. On January 15, 2015, Defendants responded to the Corps'
3 October 1, 2014, letter and expressed interest in a land exchange, but
4 stated Defendants would not pay the administrative costs required to
5 initiate that process.

6 ix. Defendants have not submitted any of the required
7 paperwork for the Corps to initiate a land exchange. Defendants have
8 also failed to identify any substitute lands suitable for a land exchange
9 with the Corps, and have refused to pay any administrative fees related
10 to a land exchange. The Corps has repeatedly informed Defendants that
11 the Corps' policies and procedures require the individual property owner
12 benefiting from a land exchange (i.e., not the other United States
13 taxpayers) to pay all associated administrative fees, in accordance and
14 compliance with 10 U.S.C. § 2695, Engineer Regulation 405-1-12 and
15 other applicable Corps policies (*see*,
16 <http://www.nww.usace.army.mil/Business-With-Us/Real-Estate>).

17 x. On May 19, 2016, the United States Attorney's Office, at
18 the request of the Corps, again contacted Defendants and reaffirmed that
19 Defendants were required to pay the administrative fees associated with
20 any land exchange. Plaintiff also advised that Defendants should build a
21 fence to keep his cattle from unlawfully trespassing on the Corps-
22 managed federal land. The Corps also provided Defendants with formal,
23 final notice that Defendants' cattle operations on the Corps' managed
24 lands must cease, desist, and further instructed Defendants to prevent
25 any further livestock trespasses and carcass dumping, and directed
26 Defendants to resolve all unlawful encroachments.

27 xi. On June 29, 2016, the Corps and Defendant met at
28 Defendants' ranch to discuss Defendants' trespasses and encroachments.
Plaintiff United States, through the U.S. Attorney's Office, sent
Defendants a letter on August 5, 2016, memorializing items discussed at
the parties' meeting, including but not necessarily limited to: 1)
Defendants' use of federal lands violated both state and federal law; 2)
the United States demanded a proposal from Defendants by August 26,

1 2016, describing actions Defendants would take to prevent further
2 unlawful trespasses and encroachments; 3) advising Defendants that
3 costs of the discussed land exchange would likely exceed \$100,000; 4)
4 though grazing leases are allowable, leasing the subject land to
5 Defendants would conflict with the Corps' habitat mitigation obligation,
6 and its purpose since Defendants' unlawful historical commercial use
7 damaged the subject lands; 5) the least expensive and most effective
8 option was for Defendants to *inter alia* build a fence; 6) the boundary
9 line of the federal lands was previously adjusted around structures that
10 existed in 1965, when the Corps purchased the land, and that
11 Defendants' building unlawfully encroaching on federal land did not
12 exist until sometime after 1975, meaning Defendants unlawfully
13 constructed the structure on federal land.

14 xii. On August 23, 2016, Defendants sent the Corps a letter
15 restating their earlier interest in a land exchange, but also stating that
16 Defendants would not pay the mandatory administrative costs associated
17 with such an exchange. Defendants did not discuss or propose any
18 further viable actions for resolving Defendants' continuing unlawful
19 trespass and encroachment.

20 xiii. On October 21, 2016, the Corps sent Defendants a letter
21 identifying five critical areas of trespasses and encroachments.

22 xiv. On November 28, 2016, Defendants stated that the animal
23 carcass pit was filled through self-action, and that a purported
24 Conservation Reserve Program ("CRP") mix was planted over the area.

25 xv. From at least 2011 to the present, on information and belief,
26 Defendants continues to encroach on the subject federal property
27 managed by the Corps. Defendants have and continue to use federal
28 lands for the storage of Defendants' hay or other materials, including but
not limited to the parking of vehicles or farm equipment, and continued
operation of the Defendants' farm/ranch operations without the required
permission of the Corps.

1 22. Upon information and belief, from at least 2011 (and perhaps for prior
2 decades) to the present, Defendants unlawfully profited from their unlawful, private
3 and commercial use of federal lands, despite possessing no legitimate property interest
4 or other proper federal authorization to use, occupy or convert these lands to
5 Defendants' personal and/or commercial use.
6

7 23. Defendants' conduct and activities described in ¶¶ 11-21, including the
8 above sub-parts, was intentional and contrary to federal law and/or regulations
9 promulgated by the Secretary of the Army.
10

11
12 **IV. COUNT 1: VIOLATIONS OF FEDERAL LAW**

13 24. Defendants' continued livestock trespasses and associated encroachments
14 violate federal law.
15

16 25. Chapter 36 of Code of Federal Regulations (CFR) prohibits individuals
17 from operating and parking vehicles on federal lands, except in authorized areas (Part
18 § 327.2) for ranging, grazing, watering and/or allowing livestock on project lands, and
19 with prior written authorization (Part § 327.11). Chapter 36 also prohibits Defendants
20 from damaging or altering public property (Part § 327.14(a)); abandoning or storing
21 personal property on project lands (Part § 327.15); engaging in commercial activity on
22 project lands (Part § 327.18); and constructing or placing any structure on project
23 lands (Part § 327.20).
24

25 26. Defendants' repeated, unlawful livestock trespasses and encroachments
26 are deliberate, willful and/or knowing violations of federal law. Further, Defendants
27
28

1 have unlawfully constructed a road, part of a building and concrete slab, and have
2 placed other feed, structures, equipment and general winter feedlot operation supplies
3 on project lands owned by the United States.
4

5 27. Defendants have not and cannot produce any written authorization
6 justifying Defendants' unlawful personal and/or commercial use and damaging of the
7 subject federal lands.
8

9 **VII. COUNT 2: VIOLATIONS OF STATE LAW**

10 28. Defendants' continued livestock trespasses and dumping of carcasses
11 also violate Washington State Law. Revised Code of Washington (RCW) Section
12 16.24.065 prohibits livestock owners from allowing livestock to run at large on lands
13 owned by the United States, unless the owner has been granted grazing privileges in
14 writing. *See* RCW 16.24.065.
15
16

17 29. Defendants' repeated trespasses are willful and deliberate. Defendants
18 have placed feed, structures, equipment and general winter feedlot operation supplies
19 on property owned and managed by the United States.
20
21

22 30. Washington Administrative Code (WAC) 16-25-025 forbids leaving
23 carcasses to decompose within 1,320 feet of a body of water.
24

25 31. Defendants' placement of animal carcasses within 1,320 feet of a body of
26 water (i.e., the Snake River) is willful and deliberate.
27

28 32. Further, Defendants continued to add carcasses to the animal carcass pile,
even after being notified that doing so violates WAC 16-25-025.

VIII. COUNT 3: TRESPASS & UNAUTHORIZED
USE OF FEDERAL LAND

The United States incorporates its previous allegations as though fully set forth herein.

33. As a direct and proximate result of Defendants' alleged conduct, Defendants have enjoyed the benefit of the use of federal lands at the expense of Plaintiff's proprietary and sovereign interests, and at the expense of United States' taxpayers, by unlawfully using, without authorization or payment, the public lands for grazing/winter feedlot operations, construction/placement of structures and a road, and the storing personal property.

34. As stated above, Defendants' unauthorized livestock trespasses and associated unlawful encroachments are occurring at the Central Ferry Habitat Management Unit (HMU), Little Goose Lock and Dam Project, which is classified as "Wildlife Management General" under the Project Master Plan. The HMU is intended to support habitat requirements under the Lower Snake River Compensation Plan, which was authorized by Congress under the Water Resources Development Act of 1976 (P.L 94-587). Livestock can adversely impact wildlife habitat in numerous ways:

(A) Livestock grazing not only affects vegetation characteristics, but also affects wildlife habitat structure and productivity. Vegetation composition, soil compaction, and livestock deposition are three of the primary impacts of concern from Defendants' livestock trespasses. Patterns of herbivory also largely determine plant community composition, structure, and productivity.

1 (B) Physical impact occurs through hoof action, pawing, and wallowing,
2 grazing animals trample plants, breaking up soil surfaces, and incorporating
3 seed into the soil and compact soils. Deposition involves grazing animals
4 contributing to nutrient cycling by depositing nitrogen-rich urine and dung,
5 potentially leading to excess nutrients.

6 (C) Based on the Corps' land management experience, research and field
7 personnel observations, it is clear that the plant species community and
8 composition currently present is not conducive with the Corps' wildlife
9 habitat management mission for these lands.

10 (D) Soil compaction is also evident along the roads established by
11 Defendants, the cattle trails, and in the areas of Defendants' once active
12 feedlot and watering operations. Excessive nutrient levels accumulate in
13 areas of livestock congregation, i.e. corrals, feed bunks, and water troughs,
14 and is evident at the once active feedlot and watering operations areas, and
15 in the large manure piles along with liquid manure disposal locations.

16 (E) Other potential impacts on this site are herbicides and other pesticides.
17 Usage of these types of products is unknown, but upon examination of the
18 area on October 11, 2016, it is apparent herbicides were used in the past to
19 control broadleaf weeds. This is evident due to the abundant Russian thistle,
20 rush skeletonweed, and other invasive species, both on Corps-managed lands
21 and adjoining railroad lands.

22 35. Defendants are liable and indebted to the United States for Defendants'
23 willful repeated trespasses and/or unauthorized use fees, administrative costs, and
24 restoration costs, in an amount to be proven at the time of trial. Further fees and costs
25 will increase the debt Defendant owes to Plaintiff as Defendant's unlawful conduct
26 continues and as further administrative expenses are incurred in remediation and
27 through prosecution of this action for remedial and injunctive relief.
28

1 **IX. COUNT 4: INJUNCTIVE RELIEF FROM DEFENDANTS' TRESPASS**

2 36. Defendants have consistently and continuously expressed an intent to
3 continue to defy the federal authority, including that of the Secretary of the Army,
4 delegated to the U.S. Army Corps of Engineers, to administer the public lands within
5 the Central Ferry HMU, Little Goose Lock and Dam Project, lower Snake River.
6

7
8 37. Defendants have repeatedly and continuously expressed an intent to place
9 or allow their livestock to trespass on federal land without limitation, to construct and
10 maintain structures and roads on federal land, and to place personal property, debris,
11 and animal carcasses on Corps-managed public land, all contrary to the expressed
12 directives of the Corps officers and personnel, acting under the authority of the
13 Secretary of the Army.
14

15
16 38. Plaintiff has no adequate remedy at law to address Defendants'
17 continuous and persistent unlawful conduct, and therefore seeks a preliminary and
18 permanent injunction prohibiting Defendants from placing or allowing unauthorized
19 livestock trespasses, constructing structures and roads, and from placing personal
20 property on the public lands administered by the Corps.
21

22
23 **X. PRAYER FOR RELIEF**

24
25 WHEREFORE, the United States prays for judgment and relief against
26 Defendants as follows:
27
28

1 1. For damages attributed to the Defendants' livestock trespasses and/or
2 encroachments and unauthorized use, together with additions and accruals to date of
3 judgment, according to the proof provided;

4
5 2. For declaratory relief finding that Defendants have unlawfully grazed and
6 conducted feedlot operations for livestock, and has placed/stored personal property
7 and/or structures on Corps-managed lands in violation of 36 C.F.R. §§ 327.2, 327.9,
8 327.11, 327.14, 327.15, and 327.18;

9
10 3. For preliminary and permanent injunctive relief prohibiting Defendants
11 from placing or allowing unauthorized livestock or property from entering or being
12 on the government lands administered by the Corps, without proper authorizations;

13
14 4. For further injunctive relief directing and requiring Defendants to remove
15 all encroachments and personal property from the subject federal lands, including but
16 not limited to all metal buildings, cement slabs, railroad ties, wood buildings, roads,
17 manure piles, debris, animal carcasses, equipment and materials, and further requiring
18 Defendants to remediate and restore the subject disturbed federal lands by
19 Defendants' unlawful occupancy, to their natural state; or alternatively to impose
20 judgment against Defendants to cover the United States' reasonable expenses in
21 performing such remedial and/or restoration actions;

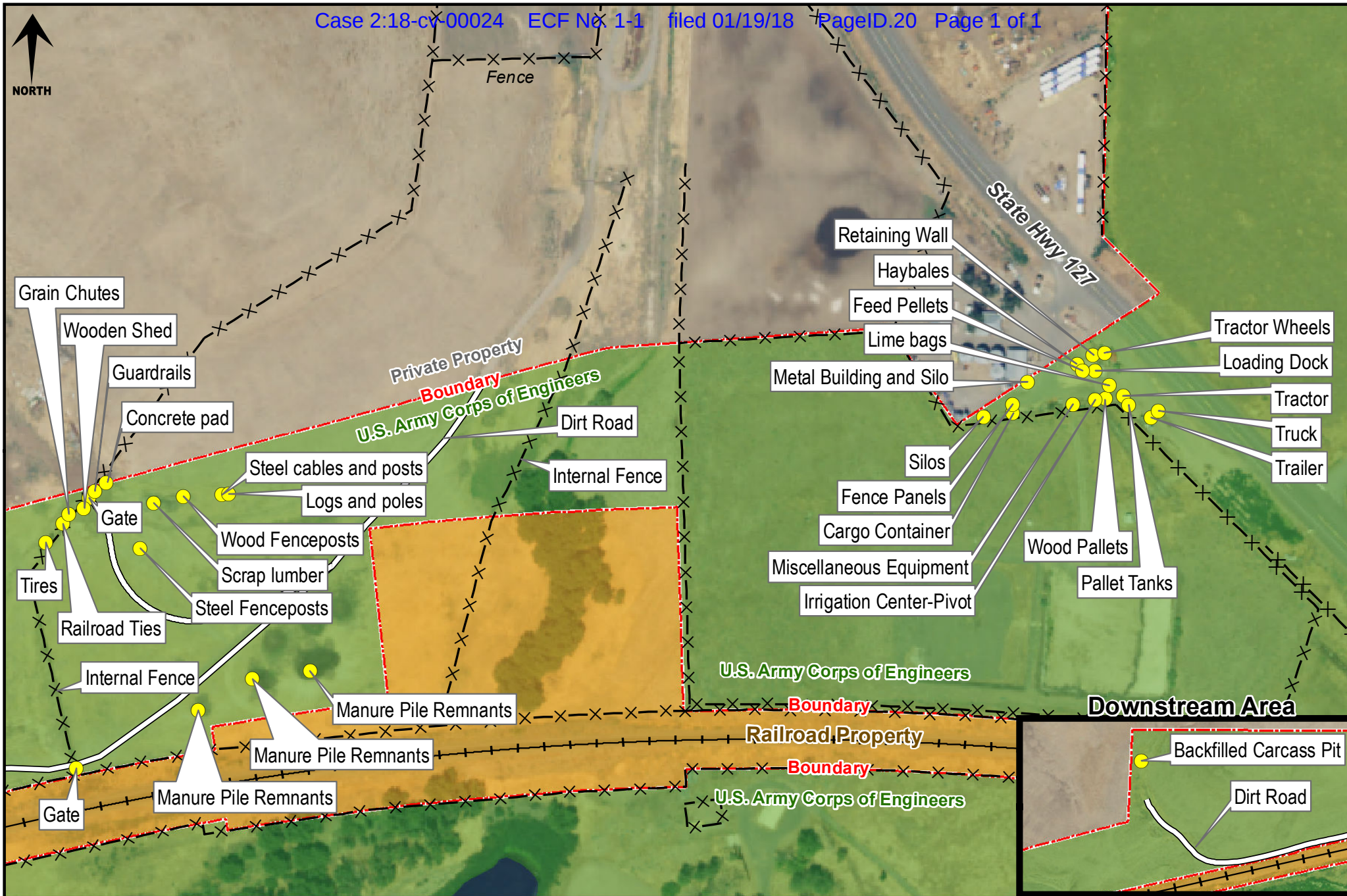
22 5. For the costs and fees of the suit pursued herein; and

23 6. For such other and further relief as the Court deems proper, just or
24 equitable in the premises.
25
26
27
28

1 RESPECTFULLY SUBMITTED this 19th day of January 2018.

2 JOSEPH H. HARRINGTON
3 United States Attorney

4 s/ *Vanessa R. Waldref*
5 Vanessa R. Waldref, AUSA
6 Rudy J. Verschoor, AUSA
7 Attorneys for Defendant United States
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Scale 1:2,600 1 inch = 217 feet

Riley River Ranch Encroachment

Status Report

Objects Remaining at Encroachment Sites

January 12, 2018

T 13 N, R 40 E, Sec. 4, 5, 8, Willamette Meridian



US Army Corps of Engineers®
Walla Walla District

Prepared by: **John Gordon**
Clarkston Natural Resources Office
100 Fair St, Clarkston, WA 99403
john.L.gordon@usace.army.mil
(509) 751-0252



This product was produced from geospatial information by the U.S. Army Corps of Engineers. Geospatial data and products may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. Using this product for purposes other than those for which it was intended may yield inaccurate or misleading results. USACE assumes no liability for correctness or accuracy, and reserves the right to correct, update, or modify geospatial data and/or products without notification.

Attachment A

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.